

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

**DATE:** April 6, 2010

**TO:** Jane McCarter, Project Manager, Department of Planning

**FROM:** Val Thomas, Planner, Zoning Administration

**CASE NUMBER AND NAME:** SPEX 2010-0001; Ryan Road Child Care Center

**TAX MAP/ PARCEL  
NUMBER (MCPI):** /92/////////29/; (158-27-9331)

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**I. APPLICATION SUMMARY**

Zoning staff has reviewed the above referenced special exception (SPEX) application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The materials submitted for review of the application consist of the following:

1. Information Sheet
2. Plats, prepared by J2Engineers, Inc.:
  - Cover Sheet (Notes & Vicinity Map) dated January 2010 revised through March 4, 2010
  - Existing Conditions Map, dated January 2010 revised through March 4, 2010
  - Special Exception Plat dated January 2010 revised through March 4, 2010
3. Statement of Justification, not dated

The subject property is approximately 7.86 acres and is located on the north side of Ryan Road (Route 772) approximately 500 feet east of Belmont Ridge Road (Route 659). Currently there is an application for a boundary line application on the property. The property is currently developed with a single family detached home and has access to Ryan Road. The applicant seeks approval of a special exception to allow a child care center facility on the property. The proposed child care has a floor area of approximately 9,600 square feet and is anticipated to have an enrollment of up to 208 children and up to 20 staff members.

The following issues have been identified and must be addressed in order for the applications to be in conformance with the requirements of the Ordinance.

## **II. CONFORMANCE WITH SECTION 3-100, R-1 ZONING DISTRICT**

The property is zoned R-1(Residential-1) and subject to the Revised 1993 Loudoun County Zoning Ordinance. Pursuant to Section 3-103(V) of the Ordinance, a child care center is permissible by special exception. Further, the child care center is also subject to the requirements in Section 5-609 of the Ordinance.

## **III. CONFORMANCE WITH SECTION 6-1300: ISSUES FOR CONSIDERATION IN REVIEWING A SPECIAL EXCEPTION APPLICATION**

1. Section 6-1310 includes the following factors that shall be given reasonable consideration in considering a special exception application, for which the applicant is required to address in its Statement of Justification or special exception plat, if applicable. Staff has comments regarding the following factors:

(A) *Whether the proposed special exception is consistent with the Comprehensive Plan.* Zoning defers to Comprehensive Planning for determining consistency with the Comprehensive Plan.

(B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.* Zoning defers to Fire, Rescue and Emergency Services in regards to safety from fire hazards effective measures of fire control.

(C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.* Staff asks the Applicant to address the noise impact that could potentially generate from the proposed use, especially with regard to the outdoor play area.

(D) *The glare or light that may be generated by the proposed use in relation to uses in the immediate area.* The Applicant states that all exterior lighting for the proposed child care center will be designed to minimize glare on adjacent uses. Staff asks that the special exception plat depicts the type and location of lighting utilized with the proposed use.

Since the proposed use is adjacent to Route 772, a condition of approval should be considered regarding the impacts of glare on this road.

(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* Buffer yard types and utilization of existing vegetation to meet requirements should be depicted on the Plat (Sheet 3). Please see Part IV.D of this Referral regarding buffer and screening required by Section 5-1400 of the Zoning Ordinance.

(G) *Whether the proposed special exception will result in the preservation of any*

*topographic or physical, natural, scenic, archaeological or historic feature of significant importance. Zoning defers to Comprehensive Planning regarding the location of archaeological or historical features affected.*

- (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* Zoning defers to Office of Transportation Service (OTS) in regards to traffic generation and adequacy of access roads. No pedestrian walkways are shown on the plat. Zoning requests that parking and vehicular movement, in relation to pedestrian circulation, be depicted on the plat in order to adequately evaluate pedestrian safety.
  - (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.* Zoning defers to Loudoun Water and Fire, Rescue and Emergency Services regarding adequate servicing by essential public facilities and services.
  - (O) *Whether the proposed use will facilitate orderly and safe road development and transportation.* Zoning defers to Office of Transportation Service (OTS) in regards to orderly and safe road development and transportation.
  - (R) *Whether adequate on and off-site infrastructure.* Zoning defers to Loudoun Water regarding of on or off site sewer and water.
2. Section 6-1313 - The Applicant and the Board should be aware that Section 6-1313(A) of the Ordinance requires that “unless a longer period of validity is specifically approved as part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced.” The Ordinance also permits the period of validity to be extended for good cause shown, by application to the body that approved the special exception.

In addition, Section 6-1313(B) states that “as a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period.” The Ordinance permits an extension to be granted “prior to expiration by the original body, upon written application, without notice or hearing. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception.”

#### **IV. CONFORMANCE WITH ADDITIONAL REGULATIONS AND STANDARDS**

##### **A. CONFORMANCE WITH REGULATIONS OF SECTION 5-609**

Pursuant to Section 5-609(B)(2)(b), a designated pickup and delivery zone, providing at a minimum one parking space per 20 children shall be located in proximity to the child care structure in such a way that provides safe and clearly designated access to enter or exit the center. Based on a proposed number of 208 children, at least 20 parking spaces must be provided for designated pickup and delivery zone. These parking spaces are in addition to the required number of spaces required per Section 5-1100. Please demonstrate conformance with this section of the ordinance.

**B. CONFORMANCE WITH REGULATIONS OF SECTION 5-900**

Pursuant to Sections 5-900(A)(10)(a) and 5-900 (A)(10)(b) of the Ordinance, the Applicant is required to provide a building setback of 100 feet and a parking setback of 35 feet from Route 772 (Major Collector Road). The Applicant has depicted this on the special exception plat. Please label the building and parking setback as well.

**C. CONFORMANCE WITH REGULATIONS OF SECTION 5-1100, PARKING**

Pursuant to this section, the parking calculation for the proposed child care use for 208 children and 20 employees is as follows:

$0.2 \times 208 \text{ (children)} = 41.6 = 42 \text{ spaces}$

$20 \text{ (employees)} \times 1 = 20 \text{ spaces}$

Designated pickup and delivery zone required  $1/20 \text{ children} = 208/20 = 10 \text{ spaces}$

Total number of parking spaces required  $= 42 + 20 + 10 = 72$

The plat depicts 65 parking spaces. Please add and depict an additional 7 parking spaces on the special exception plat to bring the parking requirement into conformance.

**D. CONFORMANCE WITH REGULATIONS OF SECTION 5-1400, BUFFERING AND SCREENING**

The proposed child care center is a Land Use Group 2 pursuant to Section 5-1414(A) and requires a Type 2 buffer yard adjacent to residential uses. The Applicant has depicted the buffer yard widths on the special exception plat. However, staff asks that the Applicant calculate the number of canopy, understory and evergreen trees required pursuant to Section 5-1414(B). The Applicant may request a modification of the Buffer Yard requirements per Section 5-1409 (D).

**V. OTHER COMMENTS**

1. On the Special Exception Plat, include the proposed lot coverage for the child care center.

2. On the plat, depict the proposed location, lighting and type of sign.
3. On the special exception plat, the Applicant depicts the future boundary line adjustment (BLAD) configuration for the property. The property is the subject of a pending boundary line adjustment application BLAD 2009-0061 for MCPI #s 158-27-9331, 158-28-3534 and 158-28-6737. The proposed BLAD appears to create lots 26A and 27A that are 1.13 and 1.09 acres, which are within the boundary of the special exception limits. Lot 27A appears to have a lot width of 149.07 feet which does not meet the minimum lot width of 175 feet of the R-1 district. Further, the child care center is proposed to locate on Lot 26A, while the parking for the same is proposed to locate on Lot 27A. Pursuant to Section 5-1103(A), all parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located. If proposing to provide parking on a separate lot, then the Peripheral Parking Lot Landscaping Requirements of Section 5-1413 (C) shall apply. Demonstrate compliance with this section of the ordinance.

Further, if proposing parking on a separate lot, a certified true copy of a recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval, indicating that the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use (Section 5-1103(C)).

4. The private road to access the proposed child care center should be included in the limits of special exception.